

GOVERNMENT OF ANDHRA PRADESH
HOME (PRISONS. A) DEPARTMENT

Memo No. 17410/Pri.A/A1/2008 Date: 27-06-2008.

Sub:- Home Department - Prisons - Sri G. Sudarshan Rao, the then Jailer, District Jail, Asifabad, and now working as Jailer, PAC., Cherlapalli, R. R. District - Appeal petition against the punishment of Censure - Records called for.

Ref:- From the DG&IGP&CS., AP., Hyderabad,
Letter No. EB3/166/2008, dated 31-05-2008.

The attention of the DG&IGP&CS., AP., Hyderabad, is invited to the reference cited. He is requested to furnish his detailed remarks, along with the original records pertaining to the disciplinary case of Sri G. Sudarshan Rao, Jailer, to the Government for further examination.

AJOYENDRA PYAL
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Director General and Inspector General of Prisons and Correctional Services, A.P., Hyderabad.

// FORWARDED :: BY ORDER //

SECTION OFFICER

O Note:

Please see the letter, dated 31-05-2008, received from the DG&IGP&CS., AP., Hyderabad, at pages 1-4 cf. He has forwarded the Appeal petition of Sri G. Sudarshan Rao, Jailer, which may be seen at pages 5-7 cf.

The DG&IGP&CS., AP., Hyderabad, has awarded the punishment of Censure to Sri G. Sudarshan Rao, the then Jailer, District Jail, Asifabad and now working as Jailer, PAC., Cherlapalli, R.R. District, for his failure perform legitimate duties vide his Proceedings No EB3/642/2005-2, dated 12-02-2008. The individual has filed Appeal petition before the Government on 28-02-2008 and the same is forwarded by the DG&IGP&CS., AP., Hyderabad.

Submitted that the DG&IGP&CS., AP., Hyderabad, has not furnished the original records pertains to the disciplinary case of individual. Hence, the same by called for from the DG&IGP&CS., AP., Hyderabad, for further examination.

Subject to orders, the draft Memo is submitted on pre-page for approval.

Sub:- Home Department - Prisons - Sri G. Sudarshan Rao, Jailer, PAC, Cherlapalli, R. R. District - Punishment of Censure - Appeal Petition - Reg.

Ref:- From the DG&IGP&CS., A.P., Hyderabad, Letter No EB3/166/2008, dated 31-05-2008.

Please see the letter received from the DG&IGP&CS., AP., Hyderabad, at page 1-3 cf. He has forwarded the Appeal Petition filed by Sri G. Sudarshan Rao, Jailer, PAC, Cherlapalli, R. R. District, at pages 5-7 cf.

2. The Appeal Petition is filed against the punishment of Censure awarded by the DG&IGP&CS., AP., Hyderabad, vide Proceedings No. EB3/642/2005, dated 12-02-2008. The petitioner has requested the Government to set aside the order of punishment.

BRIEF FACTS OF THE CASE:

3. Sri G. Sudarshan Rao, Jailer, was accused for incompetent handling of administration, while executing his duties as Jailer at District Jail, Asifabad. Accordingly, he was proceeded with disciplinary action under Rule 20 of A.P. Civil Services (CC&A) Rules, 1991, for the following Article of Charge issued by the DG&IGP&CS., AP., Hyderabad vide Memo No. EB3/642/ 2005-2, dated 10-08-2006.

ARTICLE OF CHARGE:

That the said Sri G. Sudarshan Rao, Jailer, PAC, Cherlapalli, while functioning as Jailer at District Jail Asifabad, failed to perform his legitimate duties, exhibited lack of executive qualities and inefficiency which reflected on the administration, thereby contravened Rule-3 of APCS (Conduct) Rules, 1964.

STATEMENT OF IMPUTATION:

During preliminary enquiry conducted by the Addl. IG of Prisons (TR), Hyderabad, on 02-02-2006 & by Sri K. Ravi Prasad, District Sub-Jails Officer on 09-05-2006, on allegations leveled against the Superintendent & Sri G. Dharma Raju, Sr Assistant, District Jail, Asifabad, the following allegations were found *prima facie* true.

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- a) Sri R. Mondaiah, Scavenger of District Jail, Asifabad, was frequently going out in between duty hours and worked at the Superintendent's residence. False timings were shown in the relevant Jail record.
- b) Sri G. Dharmaraju, Senior Assistant (u/s) marked his present falsely in the attendance register on certain dates even though he remained actually absent.
- c) Sri G. Dharmaraju, Senior Assistant (u/s) misappropriated temporarily an amount of Rs. 2, 766/- which was meant for payment to the Bharat Gas Agency during July/August, 2005.
- d) Sri M. V. Ramakrishna, Warden of the Jail was given undue favour by the Superintendent for selling guava fruits of the Jail garden for Rs. 7, 200/- violating tender rules.

As senior executive officer, Sri G. Sudarshan Rao, Jailor, should have stopped the above illegal activities, misappropriation of Government money etc., by verifying the records as per Rules. He should have brought such irregularities to the notice of the Superintendent in writing. But he failed to do so. He was found wanting in executive qualities and without his collusion or carelessness the administration could not have been so inefficient. As a responsible Jailor, he failed to perform his duties properly. Hence, the charge.

4. The DG&IGP&CS., AP., Hyderabad, has appointed Sri A. Siva Prasad, Principal, SICA, Hyderabad, as Enquiry Officer to conduct enquiry into the article of charge framed against the Charged Officer among two others in common proceedings. The Enquiry Officer has submitted his report vide Lr No. SICA/610/2007, dated 15-06-2007, and the charge was proved against the Charged Officer.

5. Accordingly, after following the due procedure prescribed under A.P. Civil Services (CC&A) Rules, 1991, the DG&IGP&CS., AP., Hyderabad, has awarded the punishment of "Censure" on the delinquent officer vide proceedings No. EB3/642/2005-2, dated 12-02-2008.

6. Aggrieved by the said punishment, Sri G. Sudarshan Rao, Jailor, has filed the appeal petition before the Government on 29-02-2008 and requested to set aside the orders of punishment. He refuted the (4) grounds set out in

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the statement of imputation, which were based for framing the charge against him on the following grounds:

1. The allegation that Sri R. Mondaiah, Scavenger of District Jail, Asifabad, was frequently going out in between duty hours and worked at the

Superintendent's residence and false timings were shown in the relevant Jail record, is not proved by the Enquiry Officer.

2. The allegation that Sri G. Dharmaraju, Senior Assistant (u/s) marked his present falsely in the attendance register on certain dates even though he remained actually absent is not sustained. Sri G. Dharmaraju, was promoted as Senior Assistant from the cadre of Typist and he has no knowledge of work relating to accounts. Hence, he used to go Mancherial Town to prepare PRC bills of the staff in consultation with experts. Therefore, he was permitted by the Superintendent to sign in the attendance register, since he actually attended the office work at Mancherial Town.
3. The allegation that Sri G. Dharmaraju, Senior Assistant (u/s) misappropriated temporarily an amount of Rs. 2, 766/- which was meant for payment to the Bharat Gas Agency during July/August, 2005, is not proved by the Enquiry Officer.
4. The allegation that Sri M. V. Ramakrishna, Warden of the Jail was given undue favour by the Superintendent for selling guava fruits of the Jail garden for Rs. 7, 200/- violating tender rules, is not sustained. Due to the zeal and efforts made by the administration only, the yield by selling Guava fruits has increased from Rs. 2,000/- to Rs. 7, 200/- per annum and all this was done according to the existing system which has been followed during the last (10) years and it was never questioned by the Regional Officer, who was inspecting the Jail Garden every year.

7. The DG&IGP&CS., AP., Hyderabad, has furnished the following remarks on the appeal petition of Sri G. Sudarshan Rao.

1. The Additional IG of Prisons (TR), Hyderabad, and Sri K. Ravi Prasad, DSJO, have conducted the preliminary enquiry into the allegations setout in the statement of imputation and established *prima facie* evidence against G. Sudarshan Rao, Jailer.
2. As a senior executive officer, G. Sudarshan Rao, Jailer, has failed to stop the illegal activities in District Jail, Asifabad. He also failed to bring these things to the notice of the Superintendent in writing. He was found wanting in executive qualities and without his collusion, the administration could not have been so inefficient. As a responsible Jailer, he failed to perform his duties properly.

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3. This is a case of inefficient administration and lack of control over the administration by Sri C.R.K. Prasad, Dy. Superintendent and G. Sudarshan Rao, Jailer. The Enquiry Officer has proved the charge. After taking a lenient view considering the long service of the delinquent officer, he was punished with Censure which is a formal punishment.

4. The applicant did not present any new facts and evidence in his appeal petition. As there are no merits in the appeal petition, it is liable to be dismissed.

8. Submitted that Enquiry Officer has not drawn any inferences in his assessment to substantiate the allegations set out in the statement of imputation which were ground for the article of charge against G. Sudarshan Rao, Jailer. In fact the allegations that the Scavenger used to work in the Superintendent's residence and misappropriation of amount by the Senior Assistant could not be proved by the Enquiry Officer on valid reasons. Regarding the allegation that the false marking of attendance particulars in respect of Senior Assistant and Charged Officer's failure to verify the attendance register, the Charged Officer has pleaded that it is not within his purview as the register used to be with the Superintendent. Further, the Enquiry Officer has not discussed the allegation that the Warden of the Jail was given undue favour by the Superintendent for selling guava fruits of the Jail garden for Rs. 7, 200/- violating tender rules.

9. Submitted for orders on para (6) on pages 2-3 ante. After orders are passed, the file may be circulated to Hon'ble M (Home) for approval.

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HOME (PRISONS. A) DEPARTMENT

ABSTRACT

Public Services - Prisons Service - Sri G. Sudarshan Rao, Jailer, Prisoners' Agricultural Colony, Cherlapalli, R.R. District - Appeal Petition against the punishment of Censure - Set-aside - Orders - Issued.

Read the following:-

From the DG&IGP&CS., AP., Hyderabad,
Letter No. EB3/166/2008, dated 31-05-2008.

ORDER :

The DG&IGP&CS., AP., Hyderabad, in the reference read above, has forwarded the Appeal Petition filed by Sri G. Sudarshan Rao, Jailer, Prisoners' Agricultural Colony, Cherlapalli, R.R. District, against the punishment of "Censure" awarded by the DG&IGP&CS., AP., Hyderabad, vide his proceedings No. EB3/642/2005, dated 12-02-2008.

2. Sri G. Sudarshan Rao, Jailer, was accused for incompetent handling of administration, while working as Jailer at District Jail, Asifabad. He was proceeded with disciplinary action under Rule 20 of A.P. Civil Services (CC&A) Rules, 1991, for the following Article of Charge issued by the DG&IGP&CS., AP., Hyderabad vide Memo No. EB3/642/ 2005-2, dated 10-08-2006.

"That the said Sri G. Sudarshan Rao, Jailer, PAC, Cherlapalli, while functioning as Jailer at District Jail Asifabad, failed to perform his legitimate duties, exhibited lack of executive qualities and inefficiency which reflected on the administration, thereby contravened Rule-3 of APCS (Conduct) Rules, 1964".

3. The DG&IGP&CS., AP., Hyderabad, has appointed Sri A. Siva Prasad, Principal, SICA, Hyderabad, as Enquiry Officer to conduct a detailed enquiry into the above article of charge framed against the Charged Officer. The Enquiry Officer has submitted his report vide Lr No. SICA/610/2007, dated 15-06-2007, holding the charge against the Charged Officer as proved.

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4. The DG&IGP&CS., AP., Hyderabad, after following the due procedure laid down in Andhra Pradesh Civil Services (CC&A) Rules, 1991, has awarded the punishment of "Censure" to the delinquent officer vide proceedings No. EB3/642/2005-2, dated 12-02-2008. Aggrieved by the said punishment the individual has filed appeal petition before the Government on 29-02-2008

through the DG&IGP&CS., AP., Hyderabad, and requested to set aside the order of punishment on the grounds adduced therein.

5. Government, after careful examination of the appeal petition filed by Sri G. Sudarshan Rao, Jailer, and after verifying the relevant records relating to the case, has found that the imputations of utilization of services of Scavenger at the Superintendent's residence and temporary misappropriation of amount by Senior Assistant were not held proved by the Enquiry. Further, the Senior Assistant works under the direct control of the Superintendent in a District Jail, Asifabad, and his attendance is not within the authority of the Jailer. Besides, the sale of fruits also falls within the purview of the Superintendent, he being the head as well as Drawing Officer.

6. The Government have decided to exonerate Sri G. Sudarshan Rao, Jailer, from the lapse of slack supervision in his executive duties and to set aside the penalty of Censure.

7. Accordingly, the Government hereby set-aside the punishment of "Censure" imposed against Sri G. Sudarshan Rao, Jailer, by the DG&IGP&CS., AP., Hyderabad, vide proceedings No. EB3/642/2005-2, dated 12-02-2008, and the incumbent is warned to be more careful in future at his duties.

8. The DG&IGP&CS., AP., Hyderabad, shall take necessary action in the matter accordingly.

To
The Director General & Inspector General of Prisons,
& Correctional Services Andhra Pradesh,
Hyderabad.

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The individual **through** the DG&IGP&CS.,
A.P., Hyderabad.

The Superintendent of Jails, Prisoners' Agricultural Colony,
Cherlapalli, R.R. District.

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Please see the note at paras 1-12 on pages 1-5 ante and the orders in circulation to Hon'ble M (Home) at paras 13-14 on page 5 ante.

The orders of Hon'ble M(Home) are extracted below.

"On a perusal of records, it is found that the imputations of utilization of services of Scavenger at the Superintendent's residence and temporary misappropriation of amount by Senior

Assistant were not held proved by the Enquiry Officer. Further, the Senior Assistant works under the direct control of the Superintendent in a District Jail, and his attendance is not within the authority of the Jailor. Besides, the sale of fruits also falls within the purview of the Superintendent, he being the head as well as Drawing Officer.

In view of the above, he is exonerated from the lapse of slack supervision in his executive duties and the penalty of Censure is set-aside. However, he is warned to be more careful in future at his duties".

As per A.P. Public Service Commission Regulations, the consultation of A.P. Public Service Commission is not required in this case. Hence, it is for orders whether, the orders passed by the Hon'ble M (Home) may be implemented.

Subject to orders, a draft order is submitted below for approval.